

OFFICIAL

29

FAX RECEIVED

APR 29 2003

GROUP 1600

Atty Docket No. 02307E-098010US

PTO FAX NO.: (703) 872-9306

ATTENTION: Examiner Robert Landsman
TELEPHONE NO.:

Group Art Unit 1600

OFFICIAL COMMUNICATION**FOR THE PERSONAL ATTENTION OF
EXAMINER ROBERT LANDSMAN****CERTIFICATION OF FACSIMILE TRANSMISSION**

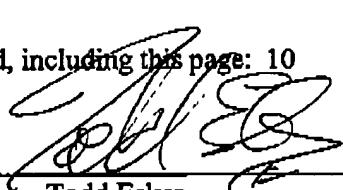
I hereby certify that the following document(s) in re Application of Zuker et al, Application No. 09/510,332, filed February 22, 2000 for T2R, A NOVEL FAMILY OF TASTE RECEPTORS is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181
2. Exhibit 1 -- True copy of the front page of the September 11, 2002 Office Action
3. Exhibit 2 -- True copy of the Docket Record of Annette S. Parent for December 8-15, 2002 and March 8-15, 2003

Number of pages being transmitted, including this page: 10

Dated: April 28, 2003


Todd Esker**PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: 415-576-0200 Fax: 415-576-0300

SF 1453326 v1

I hereby certify that this correspondence is being sent by facsimile transmission to: the USPTO, Officer Robert Landsman at Fax No.: 703-872-9306.

On 4-28-03

TOWNSEND and TOWNSEND and CREW LLP

By: 

PATENT

Attorney Docket No.: 02307E-098010US
Client Ref. No.: UC Case No. 2000-045-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ZUKER et al.

Application No.: 09/510,332

Filed: February 22, 2000

For: T2R, A NOVEL FAMILY OF
TASTE RECEPTORS

Examiner: Landsman, Robert

Art Unit: 1647

**PETITION UNDER 37 C.F.R. § 1.181(a)
TO WITHDRAW HOLDING OF
ABANDONMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully petition under 37 C.F.R. § 1.181(a) and MPEP § 711,03 to withdraw the holding of abandonment for the above-referenced patent application. The application went abandoned March 12, 2003 for failure to respond to an Office Action mailed September 11, 2002. Applicants request withdrawal of the holding of abandonment because the Office Action was not addressed and mailed to Applicants' representative, Annette S. Parent, an attorney at Townsend and Townsend and Crew, LLP in San Francisco, CA.

As evidence, the following items are enclosed herewith as Exhibits 1 and 2:

1. A true copy of the front page of the September 11, 2002 Office Action.

ZUKER et al.
Application No.: 09/510,332
Page 2

PATENT

2. A true copy of the Docket Record of the Applicants' representative, Annette S. Parent, for the period where the non-received Office Action would have been entered had it been received and docketed (December 8-15, 2002 and March 8-15, 2003).

REMARKS

The Office Action in question was improperly sent to the wrong law firm by the Patent Office, as shown in Exhibit 1. Due to PTO error, Applicants did not receive the Office Action until Examiner Robert Landsman faxed a copy to Townsend and Townsend and Crew on March 13, 2003. (See fax date at the top of Exhibit 1). This was two days after the final deadline for a response. Consequently, Applicants' representative had no notice of the Office Action during its pendency, as evidenced by Exhibit 2.

The PTO apparently mailed the Office Action to Pillsbury Winthrop, LLP because of a change of correspondence address filed by the Pillsbury law firm. However, that change of correspondence should never have been entered by the PTO because the Pillsbury law firm did not have power of attorney for this application.

The undersigned notes that another Townsend and Townsend and Crew, LLP attorney, Matthew Hinsch, had a conversation with William Dixon of the Petitions Office indicating that these facts are appropriate for withdrawal of the holding of abandonment.

Applicants contend that, the evidence provided herein establishes that due to PTO error, Applicants did not receive the Office Action, mailed September 11, 2002, during its pendency. Applicants therefore request the following:

- 1) As the misdelivery of the Office Action was due to the actions of the PTO, Applicants respectfully petition under 37 C.F.R. § 1.181(a) and MPEP § 711.03 to withdraw the holding of abandonment. Petitions filed under these provisions do not require a fee.
- 2) As the Applicants have not yet had an opportunity to respond to the September 11, 2002, Office Action, Applicants respectfully request the reinstatement of

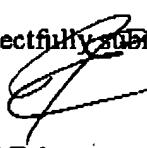
ZUKER et al.
Application No.: 09/510,332
Page 3

PATENT

the statutory reply period, effective from the date of the Examiner's response to this correspondence.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Todd Esker
Reg. No. 46,690

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
TLE:tle
SF 1454839 v1

EXHIBIT 1

03/13/03 THU 13:46 FAX 703 305 7401

GP 1800 FAX MACHINE 8

002

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,332	02/22/2000	Charles S. Zuker	2307E-98010US	2643

909 7590 09/11/2002
PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER	
LANDSMAN, ROBERT S	
ART UNIT	PAPER NUMBER
1647	2-4

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT 2**Prosecution Docket Report**

For: Annette S. Parent
 Country: For All Countries

Start Date: 12/8/2002
 End Date: 12/15/2002

Date Type: Both Due and Reminder Dates

Date Client/Matter (Pat/TM)	Action/Events Notes	Title/Mark Client	App - Reg No Filing - Issue Date	Country Status	BILL - Resp Party Other Atty's
<u>Due Date: 12/18/2002</u> 021044-001310PC (Pat)	<u>Sequence Listing Due - 2 Mo.</u>	MRE11: Modulation of Cellular Proliferation Rigel Pharmaceuticals, Inc.	PCT/US02/24422 7/31/2002	PCT Pending	KLB - DMW ASP
<u>Due Date: 12/10/2002</u> 018512-000130US (Pat)	<u>Response to Final Office Action due (1st Deadline or Ext.)</u>	alphaPH Sensitive Potassium Channel in Spermatocytes ICAgent, Inc.	09/15/9076 3/6/2000	US Pending	KAW - ASP ASP
<u>Due Date: 12/10/2002</u> 021044-003100US (Pat)	<u>1 MO FORGN</u>	Proteomics Approach to functional Genomics; Identification of New Classes of RbAp48 Interfacing Partners or Rigel Pharmaceuticals, Inc.	60/348090 1/10/2002	US Inactive - US Inactive - US Expired	KLB - ASP ASP ASP
<u>Due Date: 12/10/2002</u> 021044-003100US (Pat)	<u>File Non-Provisional Application - 1 Month</u>	Proteomics Approach to functional Genomics; Identification of New Classes of RbAp48 Interfacing Partners or Rigel Pharmaceuticals, Inc.	60/348090 1/10/2002	US Inactive - US Expired	KLB - ASP ASP
<u>Due Date: 12/10/2002</u> 15280W-005100US (Pat)	<u>4-Mo Foreign Filing Reminder</u>	Neurotrophic Components of the ADNF 1 Complex National Institute of Health	60/371961 4/10/2002	US Inactive - US Expired	BGW - ASP ASP
<u>Due Date: 12/10/2002</u> 15280W-005100US (Pat)	<u>File Non-Provisional Application 4-Mo Reminder</u>	Neurotrophic Components of the ADNF 1 Complex National Institute of Health	60/371961 4/10/2002	US Inactive - US Expired	EGW - ASP ASP
<u>Due Date: 12/11/2002</u> 014058-0-1610US (Pat)	<u>Check PAIR for 1st OA</u>	HLA-DR2 Binding Peptides Corixa Corporation	10/01/2363 12/11/2001	US Pending	KLB - ASP ASP

Date Client/Matter (Pat/TM)	Action/Events Notes	Title/Mark Client	App - Reg No Filing - Issue Date	Country Status	Bill - Resp Party Other Atty's
<u>Due Date: 12/12/2002</u> 017473-003310US (Pat)	<u>3 MO EXT/ABAND-USP-FINAL</u>	Anti-Cancer Nucleic Acid & Proto Targets LifeSpan BioSciences, Inc.	09/693783 10/19/2000	US Inactive - Abandoned	KAW - JML ASP/JML
<u>Due Date: 12/14/2002</u> 016285-001700US (Pat)	<u>Foreign Filing Deadline</u>	Active Compounds of Bao-Ji-Wan for Anti-Diarrhea & Relieving Gastrointestinal Symptoms Chinese University of Hong Kong	60/339752 12/14/2001	US Inactive - Expired	KRA - ASP ASP
<u>Due Date: 12/14/2002</u> 021044-002400BP (Pat)	<u>Amend Claims</u>	Cell Cycle Proteins Associated With RAD9, Compositions and Methods of Use Rigel Pharmaceuticals, Inc.	01914663.8 3/2/2001	EPO Pending - Published	KLB - ASP ASP
<u>Due Date: 12/15/2002</u> 016866-005710US (Pat)	<u>2-Mo Foreign Filing Reminder</u>	Method for Correlating Gene Expression Profiles with Protein Expression Profiles Ciphergen Biosystems, Inc.	10/076967 2/15/2002	US Pending - Published	KAW - ASP
<u>Due Date: 12/15/2002</u> 021044-002400US (Pat)	<u>4-Mo Foreign Filing Reminder</u>	NP95: Methods of Assaying for Cell Cycle Modulators Rigel Pharmaceuticals, Inc.	10/123568 4/15/2002	US Pending	KLB - BLK ASP/BLK
<u>Due Date: 12/15/2002</u> 021044-003300US (Pat)	<u>4-Mo Foreign Filing Reminder</u>	BAP-1: Methods of Assaying for Cell-Cycle Modulators Rigel Pharmaceuticals, Inc.	10/123731 4/15/2002	US Pending	KLB - ASP

EXHIBIT 2**Prosecution Docket Report**

For: Annette S. Parent
 Country: For All Countries
 Start Date: 3/8/2003
 End Date: 3/15/2003

Date Type: Both Due and Reminder Dates

Date Client/Matter (Pat/TM)	Action/Events Notes	Title/Mark Client	App - Reg No Filing - Issue Date	Country Status	Bill - Resp Party Other Atty's
<u>Due Date: 03/08/2003</u> 02307E-088721US (Pat)	<u>Foreign Filing Deadline</u>	Nucleic Acids Encoding a G-Protein Coupled Receptor Involved in Sensory Transduction The Regents of the University of California	10/096144 3/8/2002	US Pending - Published	KAW - ASP ASP
<u>Due Date: 03/08/2003</u> 02307E-088721US (Pat)	<u>Check PAIR for 1st OA</u>	Nucleic Acids Encoding a G-Protein Coupled Receptor Involved in Sensory Transduction The Regents of the University of California	10/096144 3/8/2002	US Pending - Published	KAW - ASP ASP
<u>Due Date: 03/08/2003</u> 02307E-125900US (Pat)	<u>2-Mo Foreign Filing Reminder</u>	Synthesis & Structure - Activity Relationship Study of Potent Trypanocidal THIO Semicarbazone Inhibitors of the... The Regents of the University of California	60/379366 5/8/2002	US Pending	KAW - BLK ASP BLK
<u>Due Date: 03/09/2003</u> 020885-00021OPC (Pat)	<u>Has International Search Report Been Received?</u>	Compositions & Methods for Diagnosing & Treating Mental Disorders The Pritzker Organization, LLC	PCT/US02/36683 11/12/2002	PCT Pending	WMS - TNB ASP
<u>Due Date: 03/10/2003</u> 015280-290110US (Pat)	<u>Notice of Appeal</u>	Targeting Antigens to the MHC Class I Processing Pathway with an anthrax Toxin Fusion Protein National Institutes of Health	09/853530 5/9/2001	US Pending	GWC - ASP ASP

Date Client/Matter (Pat/TM)	Action/Events Notes	Title/Mark Client	App - Reg No Filing - Issue Date	Country Status	Bill - Resp Party Other Actys
<u>Due Date: 03/10/2003</u> <u>015280-290110US (Pat)</u>	<u>Response to Final Office Action</u>	Targeting Antigens to the MHC Class I Processing Pathway with an anthrax Toxin Fusion Protein	09/833530 5/9/2001	US Pending	GWC - ASP
<u>Due Date: 03/10/2003</u> <u>021044-0075001US (Pat)</u>	<u>4-Mo Foreign Filing Reminder</u>	National Institutes of Health	10/193720 7/10/2002	US Pending	KLB - BLK ASP BLK
<u>Due Date: 03/10/2003</u> <u>02307E-068511EP (Pat)</u>	<u>Status Check (Filing Receipt Received?)</u>	Rigel Pharmaceuticals, Inc.	9/19/1995	EPO Pending	KAW - CAF ASP
<u>Due Date: 03/10/2003</u> <u>15280W-4005100US (Pat)</u>	<u>File Non-Provisional Application I - Mo Retender</u>	Methyl Iodide as a Soil Fumigant	60/371961 4/10/2002	US Inactive - Expired	EGW - ASP ASP
<u>Due Date: 03/13/2003</u> <u>014058-005200CZ (Pat)</u>	<u>Response</u> <u>Faxed/FedExed Declaration & POA on 1/31/03 (kjj); Answer pending official letter. Extension of time is possible.</u>	Neurotrophic Components of the ADNF I Complex	PV 2002-3586 3/30/2001	Czech Republic Pending	KLB - ASP ASP
<u>Due Date: 03/13/2003</u> <u>014058-012010PC (Pat)</u>	<u>Status Check (PCT Demand Received?)</u> <u>Postcard rec'd 10-11-02/en Demand E/Fp Mailed on 10/11/02 (kjj); Has Demand been received?</u>	Heterologous Fusion Protein Constructs Comprising a Leishmania Antigen	02/08223 3/13/2002	PCT Pending - Published	KLB - KJI ASP
<u>Due Date: 03/13/2003</u> <u>014058-012010US (Pat)</u>	<u>Check PAFR for 1st OA</u>	Corixa Corporation	10/098732 3/13/2002	US Pending	KLB - ASP ASP
<u>Due Date: 03/13/2003</u> <u>15280W-304200EP (Pat)</u>	<u>Status Check</u> <u>Provide address for inventor SPONG, Catherine Y. This is not an official deadline.</u>	Corixa Corporation	01941783.1 5/31/2001	EPO Pending - Published	KAW - TNB ASP

Date Client/Matter (Pat/TM)	Action/Events Notes	Title/Mark Client	App - Reg No Filing - Issue Date	Country Status	BILL - Resp Party Other Atty's
<u>Due Date: 03/14/2003 02/22/7-000110PC (Pat)</u>	File IDS in Corresponding US Apps 1-Mo Reminder	Mutagenic Nucleoside Analogs for the Treatment of Viral Disease Koronis Pharmaceuticals, Incorporated	PCT/US02/26765 8/21/2002	PCT Pending - Published	KLB - ASP ASP
<u>Due Date: 03/15/2003 018512-006010CA (Pat)</u>	Sequence Listing Due - 2 Mo.	CNG3B: A Novel Cyclic Nucleotide-Gated Cation Channel ICAgent, Inc.	2408847 5/15/2001	Canada Pending	KAW - DMW ASP
<u>Due Date: 03/15/2003 018512-006810PC (Pat)</u>	Status Check (International Preliminary Examination Report Received)	SLO2 & SLO4, Novel Potassium Channel Proteins from Human Brain ICAgent, Inc.	PCT/US01/25701 8/15/2001	PCT Pending - Published	KAW - KTI ASP
<u>Due Date: 03/15/2003 02/044-006550US (Pat)</u>	File Non-Provisional Application	Modulators of Leukocyte Activation, Compositions and Methods of Use Rigel Pharmaceuticals, Inc.	60/364437 3/15/2002	US Inactive - Expired	KLB - BLK ASP BLK